

SAFE DRINKING WATER ACT AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill amends a provision of the Safe Drinking Water Act relating to the addition or removal of fluorine in a public water system owned by a corporation.

Highlighted Provisions:

This bill:

- defines terms;
- requires the majority of the voting shareholders of a corporate public water system to approve the addition or removal of fluorine in the public water system; and
- makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:**AMENDS:**

19-4-111, as last amended by Laws of Utah 2007, Chapter 329

19-4-111.2, as enacted by Laws of Utah 2002, Chapter 15

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **19-4-111** is amended to read:

19-4-111. Fluorine added to or removed from water -- Election required.

(1) As used in this section:

(a) "Corporate public water system" means a public water system that is a corporation.

(b) "Corporation" is as defined in Section 16-4-102.

(c) "Fluorine" includes a derivative or compound of fluorine.

(d) "Removal" means ceasing to add fluorine to a public water supply, the addition having been previously approved by the voters of a political subdivision.

33 ~~[(1)]~~ (2) (a) Except as provided in Subsection (7) or Subsection 19-4-104(1)(a)(i),
34 public water supplies, whether state, county, municipal, or district, may not have fluorine ~~[or~~
35 ~~any of its derivatives or compounds]~~ added to or removed from ~~[them]~~ the water supply
36 without the approval of a majority of voters in an election in the area affected.

37 (b) An election shall be held:

38 (i) upon the filing of an initiative petition requesting the action in accordance with state
39 law governing initiative petitions;

40 (ii) in the case of a municipal, local district, special service district, or county water
41 system ~~[which]~~ that is functionally separate from any other water system, upon the passage of a
42 resolution by the legislative body or local district or special service district board representing
43 the affected voters, submitting the question to the affected voters at a municipal general
44 election; or

45 (iii) in a county of the first or second class, upon the passage of a resolution by the
46 county legislative body to place an opinion question relating to all public water systems within
47 the county, except as provided in Subsection (2), on the ballot at a general election.

48 ~~[(2)]~~ (3) If a majority of voters on an opinion question under Subsection (1)(b)(iii)
49 approve the addition of fluorine to or the removal of fluorine from the public water supplies
50 within the county, the local health departments shall require the addition of fluorine to or the
51 removal of fluorine from all public water supplies within that county other than those systems:

52 (a) that are functionally separate from any other public water systems in that county;
53 and

54 (b) where a majority of the voters served by the public water system voted against the
55 addition or removal of fluorine on the opinion question under Subsection (1)(b)(iii).

56 ~~[(3)]~~ (4) Nothing contained in this section prohibits the addition of chlorine or other
57 water purifying agents.

58 ~~[(4)]~~ (5) Any political subdivision ~~[which]~~ that, prior to November 2, 1976, decided to
59 and was adding fluorine ~~[or any of its derivatives or compounds]~~ to the drinking water is
60 considered to have complied with Subsection (1).

61 ~~[(5)]~~ (6) In an election held pursuant to Subsections (1)(b)(i), (ii), or (iii), where a
62 majority of the voters approve the addition to or removal of fluorine from the public water
63 supplies, no election to consider removing fluorine from or adding fluorine to the public water

supplies shall be held for a period of four years from the date of approval by the majority of voters beginning with elections held in November 2000.

~~[(6) For purposes of this section, "removal" means ceasing to add fluorine to a public water supply, the addition having been previously approved by the voters of a political subdivision.]~~

(7) (a) A supplier of a corporate public water system may not add to or remove fluorine from the corporate public water system unless the majority of the votes cast by the shareholders of the corporate public water system authorize the supplier to add or remove the fluorine.

(b) Notwithstanding Subsection (7)(a), a supplier of a public water system that is not a corporate public water system that holds a vote under Subsection (7)(a) is not required to add to or remove fluorine from its public water system on the basis of the vote described in Subsection (7)(a), including a supplier of a public water system that provides water to the corporate public water system that holds the vote under Subsection (7)(a).

Section 2. Section **19-4-111.2** is amended to read:

19-4-111.2. Provision of fluoridated water -- Emergency circumstances.

(1) A public water system that is simultaneously supplying water to a municipality or county that approved fluoridation in accordance with Section 19-4-111 and a municipality or county that has not approved fluoridation may provide water from its fluoridated inventory to a municipality or county that has not approved fluoridation if:

(a) as a result of a short-term emergency, the only water available is from the public water system's fluoridated inventory;

(b) the public water system ceases providing fluoridated water to the municipality or county that has not approved fluoridation in accordance with Subsection 19-4-111~~[(1)]~~ (2) in a time consistent with repair times following best industrial practice; and

(c) where feasible provide prompt notice to the affected area.

(2) (a) A resident of an affected area that does not wish to receive fluoridated water during an emergency may contact the public water system to have delivery of fluoridated water to their residence or business terminated.

(b) The resident shall determine when to resume delivery of water and shall contact the public water system to have delivery of water resumed.